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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,108	01/22/2001	James Brian Vrotacoe	600.1118	9101

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EXAMINER
NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/767,108	VROTACOE, JAMES BRIAN
	Examiner	Art Unit
	Anthony H Nguyen	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-19* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections - 35 U.S.C. § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fellows (US 4,030,415).

Fellows teaches a printing cylinder having a cylinder body 10 including an outer surface with at least one hole 10c and a supply line 16 in the cylinder body including a fluid flow restrictor 16e for supplying fluid to the at least one hole which is covered by an axially removable printing sleeve 17 as shown in Figs. 1 and 4 of Fellows.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5 and 7-19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fellows (US 4,030,415) in view of Kay et al. (US 4,398,563).

With respect to claims 3 and 10, Fellows teaches a printing cylinder for accepting a printing sleeve and a method removing a printing sleeve having substantially the structure and method as broadly claimed. See the explanation of Fellows above. Fellows fails to clearly teach the flow restrictor which alters the fluid flow. However, Kay et al. teaches a fluid flow

restrictor 10 to alter fluid flow to as least one hole as shown in Figs.1-7. Therefore, in view of the teaching of Kay et al., it would have been obvious to one of ordinary skill in the art to modify the printing cylinder of Fellows by providing a fluid flow restrictor as taught by Kay et al. for quickly mounting or replacing a printing sleeve.

With respect to claims 4 and 7, the selection of a desired location of the holes on the surface of the cylinder which are closer to or away from the work side end or the gear side end would be obvious through routine experimentation for ease of mounting or replacing a printing sleeve on the cylinder body.

With respect to claims 5, 8, 9 and 11, the provision of a plurality of a single element taught by the prior art has long been held to be an obvious expedient.

With respect to claims 16-19, the combination of Fellows and Kay et al. renders obvious the steps as recited in the claims since the combination teaches the steps of applying fluid pressure to an inside of a printing sleeve, sliding the printing sleeve on the printing cylinder and automatically restricting fluid flow.

Response to Arguments

Applicants' arguments filed on March 31, 2003 have been fully considered but they are not persuasive of any error in the above rejections.

Applicant argues that Fellows and Kay fail to teach or suggest the printing cylinder as recited. Specifically, applicant argues that Fellows and Kay do not teach a flow restrictor as admitted in the Office Action mailed January 2, 2003, and that there is no motivation to combine Fellows and Kay.

However, as explained above, Fellows meets the structure as broadly recited in claims 1 and 2, and the combination of Fellows and Kay renders obvious the structure as recited in claims

3-5 and 7-19. Fellows teaches clearly a cylinder body having holes on the surface, a fluid flow restrictor in a supply line for supplying fluid to the holes for removing a printing sleeve. The statement in the Office Action that "Fellows fails to clearly teach the flow restrictor" is not conflict with the rejection under 35 U.S.C. 102 (b). This statement is direct to specific flow restrictor claimed in claims 3-5 and 7-19. Fellows, which clearly teaches a flow restrictor 16c, anticipates claims 1 and 2.e statement should be clearly point out that Fellows fails to teach the flow restrictor which creates vortices or alters the fluid flow when the hole on the surface of the cylinder is uncovered (as recited in claims 3 and 17). The mistake is regretted. However, as explained above, Fellows teaches a fluid restrictor 16e. Thus, Fellows meets the structure as recited in claims 1 and 2 since the pressure is inherently increased when a hole on the surface of the printing cylinder is covered. The fluid flow is alter as a function of "hole being covered" by moving a printing sleeve so that the lip seal 13 is pressed against the sleeve 17 then the sleeve can be slid and fit over the cylinder body as shown in Fellows, Fig.1, 1c and 1d. While Fellows does not shown clearly the flow restrictor which alters the fluid flow and creates vortices, Kay is cited to show the conventional use of the fluid flow restrictor which alters the fluid flow and creates vortices (Kay, Figs.2 and 9). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kay clearly teaches the flow restrictor which alters fluid flow and creates vortices as recited. Therefore, the combination of Fellows and Kay renders obvious the structure as recited in claims 3-5 and 7-19

Applicant argues that Fellows and Kay does not teach a restrictor at an external hole as recited in claim 15.

As explained above, Fellows alone teaches the printing cylinder having an outer surface including at least two external holes and the flow restrictors 10c, 10b, 16, 16a,16b as shown in Figs.1, 1c and 1d, 4.

Applicant argues that Kay does not teach the step of automatically restrict fluid flow when the printing sleeve is not located over the holes as recited in claim 16.

However, the combination of Fellows and Kay renders obvious the step as recited since Fellows teaches a printing cylinder has external holes on the surface of the cylinder so that removing the sleeve would automatically effect the fluid flow on the other holes. Note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

The patents to Busshoff, Lane and Rossini are cited to show other structures and method having obvious similarities to the claimed structure and method.

THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY

ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

AH N
6/16/03

ANDREW H. HIRSHFELD
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